

## Message Text

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14

ORIGIN TRSE-00

INFO OCT-01 EUR-12 IO-11 ISO-00 EB-07 JUSE-00 TAR-01

AID-05 CEA-01 CIAE-00 COME-00 FRB-01 INR-07 NSAE-00

CIEP-02 SP-02 STR-04 LAB-04 SIL-01 SAM-01 OMB-01 L-03

/064 R

DRAFTED BY TREAS:POSUCHMAN:

APPROVED BY EB/OT/STA:WCLARK, JR.

JUSTICE:VANCE

TREAS:DCAMERON

EUR/RPE:JMCCARTHY

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R 111640Z FEB 76

FM SECSTATE WASHDC

TO AMEMBASSY BONN

INFO USMISSION EC BRUSSELS

USDEL MTN GENEVA

UNCLAS STATE 033535

E.O. 11652: N/A

TAGS: ETRD

SUBJECT: COUNTERVAILING DUTY PETITION -- STEEL

REF: BONN 01781

1. WHILE THE U.S. STEEL CORPORATION HAS NOT RPT NOT COMMENCED FORMAL ACTION IN THE CUSTOMS COURT CONCERNING TREASURY'S FAILURE TO ASSESS COUNTERVAILING DUTIES ON CERTAIN STEEL PRODUCTS FROM THE EC, SUCH ACTION IS EXPECTED BEFORE FEBRUARY 19 WHEN STATUTORY TIME LIMIT TO COMMENCE ACTION EXPIRES.

2. CONCERNING QUESTION OF FRG OR GERMAN STEEL INDUSTRY PARTICIPATION IN THE COURT ACTION, SUCH PARTICIPATION UNCLASSIFIED

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WOULD BE LIMITED TO FILING BRIEF ON THE LEGAL QUESTIONS

INVOLVED THROUGH COUNSEL AS AMICUS CURIAE. IN SUCH SITUATIONS, IT IS SOLELY IN THE DISCRETION OF THE COURT WHETHER OR NOT TO ALLOW SUCH PARTICIPATION. SPECIFICALLY, RULE 11.2 OF THE RULES OF THE CUSTOMS COURT PROVIDES THAT QUOTE THE COURT MAY IN ANY ACTION INVITE ANY MEMBER OR MEMBERS OF THE BAR OF THE COURT TO SERVE THE COURT AS AMICUS CURIAE. ANY APPLICATION TO APPEAR AS AMICUS CURIAE SHALL BE BY MOTION .... UNLESS SUCH APPLICATION IS MADE IN OPEN COURT. END QUOTE. IT SHOULD BE NOTED THAT IN THE

CUSTOMS COURT, BRIEFS ARE FILED AFTER TRIAL.

3. TREASURY BELIEVES, HOWEVER, THAT THE IMPORTANCE OF THE QUESTION IN THIS CASE MAKES IT LIKELY THAT THE COURT WOULD ACT FAVORABLY UPON PETITIONS BY FRG, THROUGH COUNSEL FOR LEAVE TO FILE BRIEFS AS AMICUS CURIAE. TREASURY ALSO AGREES THAT THE FRG, AS OPPOSED TO THE GERMAN STEEL INDUSTRY ITSELF, MAY BE IN BETTER POSITION TO SUPPLEMENT AND BOLSTER THE POSITION OF THE USG IN THIS LITIGATION.

4. WE WILL ADVISE WHEN COURT ACTION IS COMMENCED. ALSO, TREASURY IS WILLING IN ANY CASE TO CONSIDER FRG COMMENTS CONCERNING VAT SYSTEM FOR USE IN PREPARING CASE. KISSINGER

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## Message Attributes

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**Current Classification:** UNCLASSIFIED  
**Concepts:** TRIALS, COUNTERVAILING DUTIES, STEELS  
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**Copy:** SINGLE  
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**Decaption Date:** 01 JAN 1960  
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**Disposition Authority:** n/a  
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**TAGS:** ETRD, GE, US, US STEEL  
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